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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,358	01/17/2002	Chinnugounder Senthilkumar	10559/650001/P12972	5789
20985	7590	10/03/2003	EXAMINER	
FISH & RICHARDSON, PC 4350 LA JOLLA VILLAGE DRIVE SUITE 500 SAN DIEGO, CA 92122			SHINGLETON, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

28

Office Action Summary	Application No.	Applicant(s)
	10-054358	Senthil Kumar
Examiner	Group Art Unit	
SHINGLETON	2817	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 6-25-2003

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

<input checked="" type="checkbox"/> Claim(s) <u>1-35</u>	<input checked="" type="checkbox"/> are pending in the application.
Of the above claim(s) <u>19-23</u>	<input checked="" type="checkbox"/> are withdrawn from consideration.
<input type="checkbox"/> Claim(s) _____	<input type="checkbox"/> is/are allowed.
<input checked="" type="checkbox"/> Claim(s) <u>1-18, 24-35</u>	<input checked="" type="checkbox"/> are rejected.
<input type="checkbox"/> Claim(s) _____	<input type="checkbox"/> is/are objected to.
<input type="checkbox"/> Claim(s) _____	<input type="checkbox"/> are subject to restriction or election requirement

Application Papers

The proposed drawing correction, filed on 6-25-2003 is approved ^{by the examiner} disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

<input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____	<input type="checkbox"/> Interview Summary, PTO-413
<input checked="" type="checkbox"/> Notice of Reference(s) Cited, PTO-892	<input type="checkbox"/> Notice of Informal Patent Application, PTO-152
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948	<input type="checkbox"/> Other _____

Office Action Summary

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13, 16, 24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Clarke US 6,337,604 (Clarke).

The single Figure of Clarke discloses a circuitry for controlling the oscillating frequency of an oscillator (See column 2, line 22), the circuitry having a plurality of on-chip capacitors C1-C6, each of which is independently selectable by a control signal D₀-D₅, and each of which provides a controllable amount of capacitance to the oscillator to control the oscillating frequency of the oscillator (See column 2, line 22).

The single Figure of Clarke also discloses an electronic device comprising a real time clock, i.e. oscillator, for generating a system time signal "CLK OUT 5" (See the only Figure and column 2, around line 20), the real time clock having a digitally tunable oscillator (Note the use of set of shift registers 21) for digitally adjusting an operating frequency of the real time clock to speed up or slow down the system time signal (See column 3, lines 45), and a memory device 21 for storing data representing a configuration of the digitally adjusted tunable oscillator.

As it relates to at least claim 16, Clarke also discloses a method for generating a set of control signals D₀-D₅ to select a subset of capacitors from a set of capacitors C1-C6, connecting the selected subset of capacitors to an oscillator 1, generating an oscillating signal using the oscillator and the selected subset of capacitors in combination, and generating a system time signal CLK OUT 5 (See the only Figure in Clarke.) using the oscillating signal.

As it relates to at least claim 24 the only figure of Clarke clearly illustrates an apparatus having a control unit 7, 23, 21 configured to generate a set of control signals D₀-D₅, each of which independently selects a capacitor from a plurality of capacitors, the selected capacitors being coupled to an oscillator 1, the selected capacitors in combination proving a controllable amount of capacitance to the oscillator to

control the oscillating frequency of the oscillator (See column 2, line 22). As it clearly apparent from the only Figure of Clarke the system time signal CLK OUT 5 shown in the only Figure is based upon the oscillating frequency of the oscillator. The data processing unit 23 processes the data based on the system time signal that is applied to the element 7 of Clarke and the register stores the configuration of the set of control signals as are both clearly apparent from the only Figure in Clarke.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke US 6,337,604 (Clarke) in view of Ochiai et al. US 4,851,792 (Ochiai).

All the same reasoning as applied in the 35 USC 102 rejection of claims 13, 16, 24, 26 and 27 and the following: Claim 1 has been amended to recite a bias circuit to provide a substantially constant voltage to the bias at least one of the plurality of capacitors. Claim 35 recites the formation of a time signal that is clearly present in Clarke as noted above.

Claims 3-6 and 33 recite conventional forms of capacitors that make up the frequency changing capacitors of the oscillator. Clarke is silent on these.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted any of the conventional capacitors as recited by the claims of the instant application in place of the generic capacitors of Clarke because, as the reference is silent as to the exact composition of the capacitors, any art-recognized equivalent capacitors would have been usable such as the well-known capacitors as recited by the claims of the instant application.

As it relates to claim 2, selection of the frequency changing capacitors to be different from each other is merely the selection of the optimum or workable range. This involves but routine skill in the art and accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the capacitance values to be any value within the optimum or workable range so as to shift the frequency in a controllable predetermined stepwise manner.

As it relates to newly amended claim 1, Figure 8(a) discloses a biasing arrangement for the capacitors of an oscillator and is configured such that the bias voltage V_B of the capacitor 14 "remains constant". This as recognized by Ochiai allows for the oscillation frequency to remain constant (See column 5, around line 61).

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the oscillator arrangement of Clarke with a bias arrangement that keeps the necessary bias voltage of the capacitor elements constant so as to prevent drift in oscillator frequency as taught by Ochiai.

Claim 31 recites that the P-type enhancement mode MOSFET will be driven into saturation. Clarke is silent on this.

However, this involves but routine skill in the art because it is merely the selection of the optimum or workable range. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the voltage level to be such that the P-type enhancement mode MOSFET made obvious in the above combination will be operated in saturation as this involves but routine skill in the art.

Clarke and Ochiai are silent on the use of a filter capacitor so to generate a filtered voltage signal to bias the capacitors of the oscillator.

Figure 8a of Ochiai generically shows a constant voltage circuit and it is well known to use a filter capacitor in such circuits to as to obtain purely a bias signal, i.e. a pure bias signal is one that contains the bias signal and no other unwanted signals.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted a conventional constant voltage circuit that includes a filter capacitor for the constant voltage circuit of Clarke because, as the reference is silent as to the exact composition of the constant voltage circuit, any art-recognized equivalent constant voltage circuit would have been usable such as the well-known constant voltage circuit that includes a filter capacitor.

Claims 15, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke US 6,337,604 (Clarke)

All the same reasoning as applied in the 35 USC 102 rejection of claims 13, 16, 24, 26 and 27 and the following: Clarke is silent on the composition of the capacitors C1-C6 and the values of these

capacitors. As it relates to claim 15, selection of the frequency changing capacitors to be different from each other is merely the selection of the optimum or workable range. This involves but routine skill in the art and accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the capacitance values to be any value within the optimum or workable range so as to shift the frequency in a controllable predetermined stepwise manner.

Claims like claims 28 and 29 recites the frequency of oscillation as being equal to 32.768 KHz. This involves but routine skill in the art because it is merely the selection of the optimum or workable range. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the frequency to be 32,768 KHz as this involves but routine skill in the art.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke and Ochiai as applied to claims 1-6, and 30-35 above, and further in view of Kuhn Jr. US 3,930,169 (Kuhn, Jr.).

All the same reasoning as applied in the 35 USC 102 rejection of claims 13, 16, 24, 26 and 27 and the 35 USC 103 rejection of claims 1-6, and 30-35 and the following: Clarke is silent on the composition of the switches 9-19(a,b) that switches the capacitors in and out of the circuit so as to change the frequency of the oscillator.

Transmission gate switches are conventional switching means as noted by Kuhn, Jr. (See Figure 1 and column 4, lines 3-29).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted conventional transmission gate switches in place of the generic switches of Clarke because, as the reference is silent as the exact switching element employed, any art-recognized equivalent switch would have been usable such as the well-known, conventional transmission gate switch as taught by Kuhn, Jr..

As it relates to claim 8, the circuit of Clarke has a “set of registers” 21 to provide the control signals D₀-D₅ for selecting the individual capacitors C1-C6.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke, Ochiai and Kuhn, Jr. as applied to claims 1-8, and 30-35 above, and further in view of Horn “Basic Electronics Theory” 4th Edition pp 377-378 and pp 454-465.

As it relates to claim 9, Clarke is silent on using buffer circuitry to decouple the transmission gate switches from the set of memory registers.

Horn teaches that buffers are used to ensure that the output drive is sufficient to drive the devices on the output thereof.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a buffers between the transmission gate switches and the memory registers so as to insure that there is sufficient drive for the transmission gate switches as taught by Horn.

As it relates to claim 10, Clarke is likewise silent on the use of filtered power signals to power the buffer circuitry. Buffer circuitry requires a power supply as is well known in the art so that it can provide the sufficient drive as noted above. Horn teaches that it is commonplace to utilize filtered power supplies, in particular note pages 456 and 460 to power electronic devices. This as Horn recognizes reduces "ripple", i.e. noise, or voltage fluctuations that then in turn causes less vacillations in the devices powered by such power supplies.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a filtered power supply to power the buffers made obvious above so as to reduce the introduction of noise in the system as is taught by Horn.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke and Ochiai as applied to claims 1-6, and 30-35 above, and further in view of Leduc et al. US 6,400,231 (Leduc)

All the same reasoning as applied in the 35 USC 102 rejection of claims 13, 16, 24, 26 and 27 and in the 35 USC 103 rejection of claims 1-6, and 30-35 the following: As it relates to claim 11, Clarke is silent on the use of an inverting amplifier as the element that provides the gain in the oscillator. Clarke utilizes the well-known differential amplifier circuit to provide gain in a crystal oscillator. However, Leduc utilizes an inverting amplifier to provide gain for the oscillator (See column 2, lines 61-62), which is an art recognized equivalent well-known way to provide gain for a crystal oscillator.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the well known differential gain arrangement of Clarke with an inverting amplifier arrangement as these are art recognized equivalent ways to provide gain to a crystal oscillator as taught by Leduc.

As it relates to claim 12, note that the single Figure of Clarke clearly shows the plurality of frequency changing capacitors as being composed of a first subset of the plurality of capacitors that is selectively electrically coupled to a first terminal of the resonator 1, and a second subset of the plurality of capacitors that is selectively electrically coupled to a second terminal of the resonator.

Claims 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke and Ochiai as applied to claims 1-6, and 30-35 above, and further in view of Theus et al. US 5,805,029 (Theus).

All the same reasoning as applied in the 35 USC 102 rejection of claims 13, 16, 24, 26 and 27 and in the 35 USC 103 rejection of claims 1-6, and 30-35 and the following: Clarke describes in generic terms element 7 as comparing the system time signal CLK OUT 5 to be within a certain frequency range. Clarke, however, is silent on the specifics of such a structure. Note that Clarke saves the data representing the setting of the control signals in memory device 21.

Figure 4 of Theus discloses specific conventional means to compare the system time signal to the reference time signal so that a control signal can be generated to the controller of an oscillator circuit that utilizes the switching of capacitors to change the oscillator frequency. Specifically, Theus discloses receiving a reference time signal 8a and comparing this reference time signal to the system time signal 2a via a comparator 7. This controls which subsets of capacitors C11, C21, C1n, C2n that are connected to the oscillator.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the conventional means of Theus to compare the reference time signal to a system time signal so as to control generate the control signal because, as the Clarke reference is silent on the specific structure of the comparison arrangement 7, any art-recognized equivalent frequency control means would have been usable such as the well-known conventional arrangement of Theus.

Claim 25 is rejected under 35 USC 103 as being obvious over Horn "Basic Electronics Theory" pp 418-426 (Horn) in view of Clarke US 6,337,604 (Clarke).

Horn discloses that as part of the chip-set of a computer system a clock oscillator is included therein (See page 425). Horn however is silent on the exact structure of the computer system clock thus any conventional structure can be used.

The only Figure of Clarke clearly illustrates an conventional clock apparatus having a control unit 7, 23, 21 configured to generate a set of control signals D₀-D₅, each of which independently selects a capacitor from a plurality of capacitors, the selected capacitors being coupled to an oscillator 1, the selected capacitors in combination proving a controllable amount of capacitance to the oscillator to control the oscillating frequency of the oscillator (See column 2, line 22). As it clearly apparent from the only Figure of Clarke the system time signal CLK OUT 5 shown in the only Figure is based upon the oscillating frequency of the oscillator. The data processing unit 23 process data based on the system time signal that is applied to the element 7 of Clarke and the register stores the configuration of the set of control signals as are both clearly apparent from the only Figure in Clarke.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the conventional clock apparatus of Clarke in place of the generic clock apparatus of Horn because, as the reference is silent as to the exact structure of the clock, any art-recognized material would have been usable such as the well-known conventional clock apparatus of Clarke.

Applicant's arguments filed 6-25-2003 have been fully considered but they are not persuasive.

Applicant believes that Clarke "neither discloses nor suggests a "real time clock" that generates "a real time clock signal having a frequency suitable for deriving a system time signal". The examiner respectfully disagrees. Applicant states "Clarke merely discloses that the frequency of the "standard clock signal" may be adjusted". A real time clock signal is as recited by applicant merely an "oscillating signal". Clearly an oscillating signal is produced and especially since Clarke's invention is to obtain a "desired frequency" the oscillating signal is clearly "suitable" for deriving a system time signal. The system time signal is merely the clock signal produced from the oscillator. This system time signal can be used to obtain the second, minute and hour values displayed by the computer. Clarke clearly generates a system time signal as indicated in the above and previous rejections. Applicant has not specifically defined the terms above and thus the examiner has given them their broadest meaning consistent with that disclosed by the specification.

Applicant believes that Clarke "does not disclose or suggest "generating a system time signal using the oscillating signal"". The examiner respectfully disagrees. Note above.

As it relates to the arguments concerning claims 24 and 25, applicant believes that Clarke does not have a control unit "suitable for deriving a time signal representing time". A clock signal is a system time signal that does represent time. Namely, the number of clock signals or "pulses" represents a certain time. The counting of these pulses can be performed so that the computer can display the second, minute and hour values, but this is not currently being claimed and if it were to be claimed this would have been obvious to one of ordinary skill for as recognized by applicant it is common to utilize the oscillation signal to ultimately display the time in minutes, hours etc. on a computer by "processing". Clarke clearly has a system time signal as noted above and the control unit as identified in the present and previous Office action would accordingly be suitable for deriving a time signal representing time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action

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is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is 703-308-4903. The examiner can normally be reached on Monday-Thursday from 8:00 to 4:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MBS

April 18, 2003

Sept 20, 2003


MICHAEL B SHINGLETON
PRIMARY EXAMINER
GROUP PART I UNIT 2817